

the 7-membered lactone but deems the claims to be indefinite without indicating the substituents which are on the formula.

Applicants respectfully traverse this ground of rejection since it is believed that the claims are definite in that Applicants have a broad disclosure and are entitled to broad terminology commensurate in scope therewith. It is stated in the paragraph bridging pages 1 and 2 of the specification that "The new analogs of camptothecin differ from all other known derivatives in that they contain a  $\beta$ -hydroxy lactone or its open hydroxy carboxylic form instead of an  $\alpha$ -hydroxy lactone or  $\alpha$ -hydroxy carboxylic form and the salts thereof." The specification goes on to define the derivatives of camptothecin as being "a compound having the same structural skeleton as that of camptothecin with or without other chemical substitutions on the skeleton structure. Different derivatives of camptothecin are well known by specialists as described herein after."

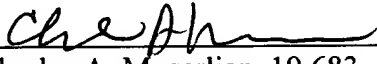
The specification in the first full paragraph of page 2 states "An analog of camptothecin according to the invention can therefore contain substituents on the indolizino[1,2-b] quinoline fragment" and then goes on to give examples thereof. Moreover, Applicants have demonstrated by a declaration filed that out of 137 compounds tested, all of them had the desired activity. Therefore, it is believed that the claims do comply with 35 USC 112 and withdrawal of this ground of rejection is requested.

Claims 18 to 23 were further rejected under 35 USC 112, first paragraph as containing subject matter which was not described in the specification so as to be based upon an enabling specification. The Examiner alleges that all the compounds made are drawn to a narrow group which does not give a reasonable assurance that all of them are useful but are directed to a more or less artificial selection of compounds. The Examiner alleges that Applicants are not entitled to a claim for the use of a large group of compounds merely on the basis of a showing that a selected few are useful.

Applicants respectfully traverse this ground of rejection since it is believed that the specification is enabling for the scope of the claims as presented. With respect to the support for the genus, the Examiner's attention is directed to the above discussion concerning pharmaceutically acceptable substituted compounds which is clearly and unequivocally set forth in the specification as filed. In contrast to the Examiner's unsupported allegation, there is not "a showing that a selected few are useful" but, rather, that Applicants have made a demonstration that of 137 compound tested, all have the desired activity and therefore, it is believed that the specification is clearly enabled for the scope of the present claims and that the claims are sufficiently supported by the disclosure and the record. Therefore, withdrawal of this ground of rejection is requested.

In view of the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,  
Muserlian, Lucas and Mercanti

  
\_\_\_\_\_  
Charles A. Muserlian, 19,683  
Attorney for Applicants  
Tel. # (212) 661-8000

CAM:ds  
Enclosure